

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRIAN W. THOMAS,

Plaintiff,

vs.

MARK E. FETZKO, ET AL.,

Defendants.

CIVIL ACTION NO. 3:02-CV-1266

(JUDGE CAPUTO)

MEMORANDUM

This case has been remanded to me to determine whether or not the Plaintiff is entitled to proceed *in forma pauperis*. This is occasioned by the record reflecting that no filing fee was paid, yet there was no grant of an allowance to proceed *in forma pauperis*.

In the interest of caution, I am allowing Plaintiff thirty (30) days within which to submit a petition to proceed *in forma pauperis*, if he believes he is qualified to do so. In the event he fails to do so or so qualify, I will give Plaintiff an additional thirty (30) days following any denial of *in forma pauperis* status to effect proper service of the complaint and summons.

An appropriate Order follows.

Date:

July 18, 2005

A. Richard Caputo

A. Richard Caputo
United States District Judge

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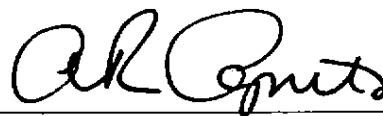
(JUDGE CAPUTO)

ORDER

NOW, this 18th day of July, 2005, IT IS HEREBY ORDERED:

1. Plaintiff shall have thirty (30) days of the date of this Order to file a petition to proceed *in forma pauperis*, if he believes he so qualifies.

2. Failing the filing, or in the event of a denial of *in forma pauperis* status, the Plaintiff shall have an additional thirty (30) days to effect service of the Complaint and Summons in accordance with the applicable Federal Rules of Civil Procedure, and Local Rules of the United States District Court for the Middle District of Pennsylvania.



A. Richard Caputo
United States District Judge